



2. This action is a civil action over which the District Courts of the United States have original jurisdiction pursuant to 28 U.S.C. § 1332 and is one which may be removed to this Court by Defendant pursuant to the provisions of 28 U.S.C. § 1441(a) and (b). The amount in controversy exceeds \$75,000, as plaintiffs seek recovery of in excess of \$1,000,000, and there is complete diversity of citizenship between plaintiffs and defendants.

3. Plaintiff Ladell Harrison (“Harrison”) is a citizen and resident of Texas. (Complaint ¶ 2.) Plaintiff Harrison sues on behalf of Matthew C. Allen, Jr. and Teddie J. Allen and the Matthew and Teddie Allen Charitable Remainder Annuity Trust (collectively the “Allens”). While the Allens are not plaintiffs, as Harrison simply sues on their behalf pursuant to a power of attorney, the Allens are also citizens and residents of Texas (Complaint ¶ 3.)

4. Continental is a corporation organized and existing under the laws of the State of Illinois with a principal place of business in Chicago, Illinois. (Complaint ¶5.)

5. Plaintiffs seek to recover under an insurance policy issued by Continental in connection with a judgment obtained against parties alleged to be Continental’s insured for compensatory damages in the amount of \$984,101.29, exemplary damages of \$500,000, plus attorneys’ fees in the amount of \$54,862.50 and 26,460.38 in arbitration fees and expenses, plus interest. The amount in controversy therefore exceeds \$75,000 exclusive of interest and costs.

6. As of this date, Continental has not filed a responsive pleading.

7. This Notice of Removal is being filed in the United States District Court for the Western District of Texas, Austin Division, the district court of the United States for the district and division within which the state court action is pending, as required by 28 U.S.C. §§ 1446(a) and 1441(a), and this Court is the appropriate forum for this case.

8. This Notice of Removal is signed pursuant to Rule 11 of the Federal Rules of Civil Procedure, as required by 28 U.S.C. § 1446(a).

9. Pursuant to 28 U.S.C. § 1446, a copy of this Petition for Removal shall be given to plaintiff and is being filed contemporaneously in the 201st Judicial District Court for Travis County, Texas.

**WHEREFORE**, Defendant respectfully requests that this action be duly removed to this Court, and that it proceed herein.

Dated: July 15, 2015

Respectfully submitted,

ROPERS, MAJESKI, KOHN & BENTLEY, P.C.

By: /s/ Andrew L. Margulis  
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LAW OFFICES OF BRIAN J. JUDIS

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Attorneys for Defendant

**CERTIFICATE OF SERVICE**

I certify that on the 15<sup>th</sup> day of July, 2015, a true and correct copy of the foregoing instrument has been served by the following method to the following counsel of record:

Alberto T. Garcia, III, Esquire albert@garmtzlaw.com Adrian R. Martinez, Esquire Adrian@garmtzlaw.com GARCIA & MARTINEZ, LLP 6900 North 10 <sup>th</sup> St., Ste. 2 McAllen, TX 78504 Telephone: 956-627-0455 Facsimile: 956-627-0487 <b>ATTORNEYS FOR PLAINTIFF</b>	<input type="checkbox"/> electronic mail through the electronic filing manager; <input type="checkbox"/> U.S. Mail; <input type="checkbox"/> commercial delivery service; <input type="checkbox"/> facsimile transmission; <input type="checkbox"/> hand delivery;
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/s/ Eric Hines  
Eric Hines